UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

CLCS

COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

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MODUS OPERANDI OF THE COMMISSION

Adopted by the Commission at its second session

Section I

Submission by the coastal State

1. Each submission will be made by the coastal State to the Commission through the Secretary-General of the United Nations in accordance with rule 43 of the Rules of Procedure of the Commission.[1]

2. This submission will contain the following three separate parts: an executive summary, a main body, and all supporting scientific and technical data.

3. The executive summary will contain the following information:

(a) Charts at an appropriate scale and coordinates indicating the proposed outer limits of the continental shelf and the relevant territorial sea baselines;

(b) Which provisions of article 76 are invoked to support the claim;

(c) The names of any Commission members who rendered advice in the preparation of the submission; and

(d) Any disputes as referred to in rule 44 and annex I to the Rules of Procedure of the Commission.

[1] All rules referred to herein are the Rules of Procedure of the Commission.

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4. All charts and coordinates referred to in paragraph 3 (a) and included in the executive summary will be given due publicity by the Secretary-General in accordance with rule 48.

5. Subject to rule 49, the consideration of that submission will be included in the agenda of the next meeting of the Commission.

Section II

Organization of the work of the subcommission

6. Upon notification that a submission has been received and given due publicity in accordance with rule 48, and after a period of at least three months following the date of publication, in accordance with rule 49, paragraph 1, the Commission will convene its meeting with the following items on the agenda:

6.1 Presentation of the submission by coastal State representatives, to include the following subjects

(i) Charts indicating the proposed limits;

(ii) The criteria of article 76 of the United Nations Convention on the Law of the Sea which were applied;

(iii) Names of members of the Commission who acted as advisers; and

(iv) Any dispute arising from the submission.

6.2 Nominations and selection of the subcommission members

In accordance with rule 40, the Commission will receive nominations from among its members and will select seven of them to serve in the subcommission, ensuring that the composition of the subcommission is a balanced one, and that none of the selected members has provided scientific and technical advice with respect to the delineation of the continental shelf of the coastal State.

6.3 Arrangements for meetings of the subcommission and consultations

As provided for in rule 15, the Secretary-General makes the arrangements related to the meetings of the subcommission and provides the support required for such meetings.

Upon the recommendation of the subcommission, the Commission, at the earliest opportunity at any meeting of its regular sessions, will decide whether the advice of a specialist should be sought, as provided for in rule 55, or whether the cooperation of relevant international organizations pursuant to rule 54 is needed.

Section III

Deliberations of the subcommission on the submission

7. Format and completeness of the submission

The subcommission will examine whether the format of the submission is in compliance with the requirements set out in the Technical Guidelines of the Commission, and will ensure that all necessary information is included in the submission. If it is deemed necessary, the subcommission may request the coastal State to correct the format or to provide any other information.

8. Executive summary

The subcommission will examine the content of the executive summary to ascertain whether it complies with the requirements provided for in paragraph 3 of section I.

9. Clarification required

The subcommission will examine whether there are any matters to be clarified by the coastal State.

If necessary, the subcommission will request clarification through the Chairperson of the subcommission from the representatives of the coastal State on those matters.

10. Consideration of any disputes

The subcommission will examine the information on disputes presented by the coastal State, or on any dispute relevant to the submission.

If necessary, the subcommission will take action based on the procedures in annex I to the Rules of Procedure.

11. Need for advice of specialists

The subcommission will discuss the necessity for seeking the advice of specialists concerning the submission.

If so decided, the subcommission will refer the matter to the Commission.

Section IV

Technical evaluation

12. The subcommission will conduct a technical evaluation of the submission, and will carry out the following functions, inter alia:

12.1 Confirmation of criteria used

The subcommission will verify which criterion or criteria specified in article 76 is/are used by the coastal State.

12.2 Analysis of the data

In accordance with the applicable Technical Guidelines of the Commission, the subcommission will undertake an analysis of the submitted data in order to verify:

(a) Whether the coordinates were established from primary sources, or from other sources;

(b) The validity of all coordinates;

(c) That no segment in the delineation is longer than 60 nautical miles; and

(d) That the data submitted are sufficient in terms of quantity and quality to justify the proposed limits.

12.3 Findings

Should the subcommission arrive at the conclusion that there is a need for more data or information, it will request the Chairperson of the subcommission to communicate that need to the coastal State. The coastal State will provide the required data or information within the time period specified by the subcommission.

Section V

Consultations of the subcommission with the coastal State representatives

13. Consultations at United Nations Headquarters

Subject to rule 50, the representatives of the coastal State will provide the members of the subcommission with any clarification required on any specific issue of the submission.

Section VI

Recommendations of the subcommission

14. Formulation of recommendations

The recommendations of the subcommission will be prepared in accordance with the provisions of article 76 of the United Nations Convention on the Law of

the Sea and Annex II of the Convention, the Rules of Procedure and the Technical Guidelines of the Commission.

15. Recommendations of the subcommission

The recommendations of the subcommission will be submitted in writing to the Commission in accordance with rule 49, paragraph 4.

Section VII

Recommendations of the Commission

16. The next session of the Commission at United Nations Headquarters will consider and approve or amend the report of the subcommission. The recommendations of the Commission based on the subcommission's report will be approved in accordance with rule 34 and rule 36, paragraph 1. Participation at the relevant meeting by representatives of the coastal State is provided for in rule 50.

17. The recommendations of the Commission will be submitted in writing to the coastal State that made the submission, via the Secretariat, and to the Secretary-General of the United Nations. The recommendations of the Commission will deal primarily with the definitive position of the outer limit of the continental shelf of the coastal State. Where the outer limit of the continental shelf is different from that proposed in the submission, the Commission's recommendations will include the position of its revised outer limits, and the reasons for its revision.

18. In the case of disagreement by the coastal State with the recommendations of the Commission, the coastal State will, within a reasonable time, make a revised or new submission to the Commission (rule 51, paragraph 2).

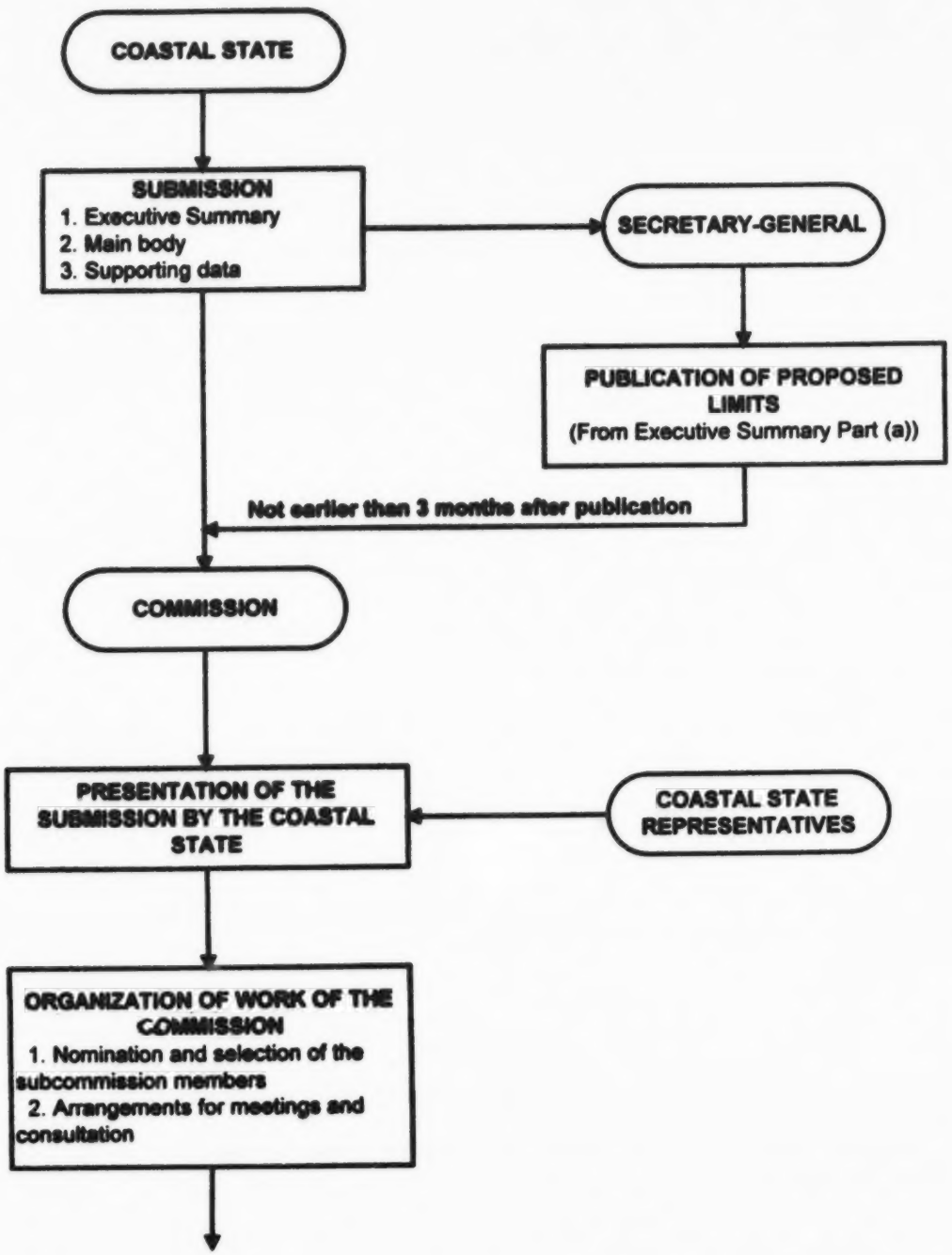
19. The limits of the continental shelf established by a coastal State on the basis of the recommendations of the Commission will be final and binding.

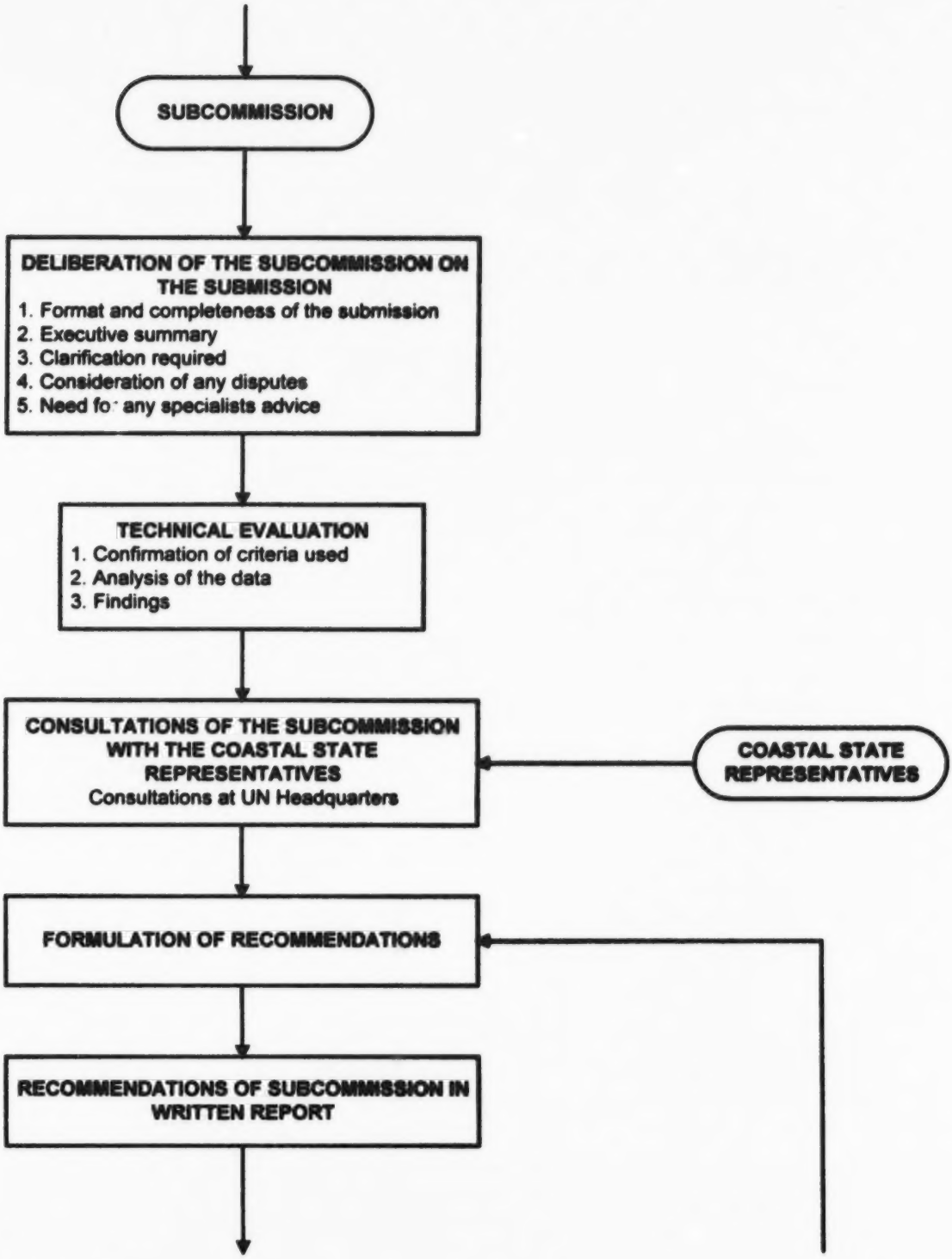
20. The coastal State will deposit with the Secretary-General of the United Nations charts and coordinates permanently describing the outer limits of its continental shelf.

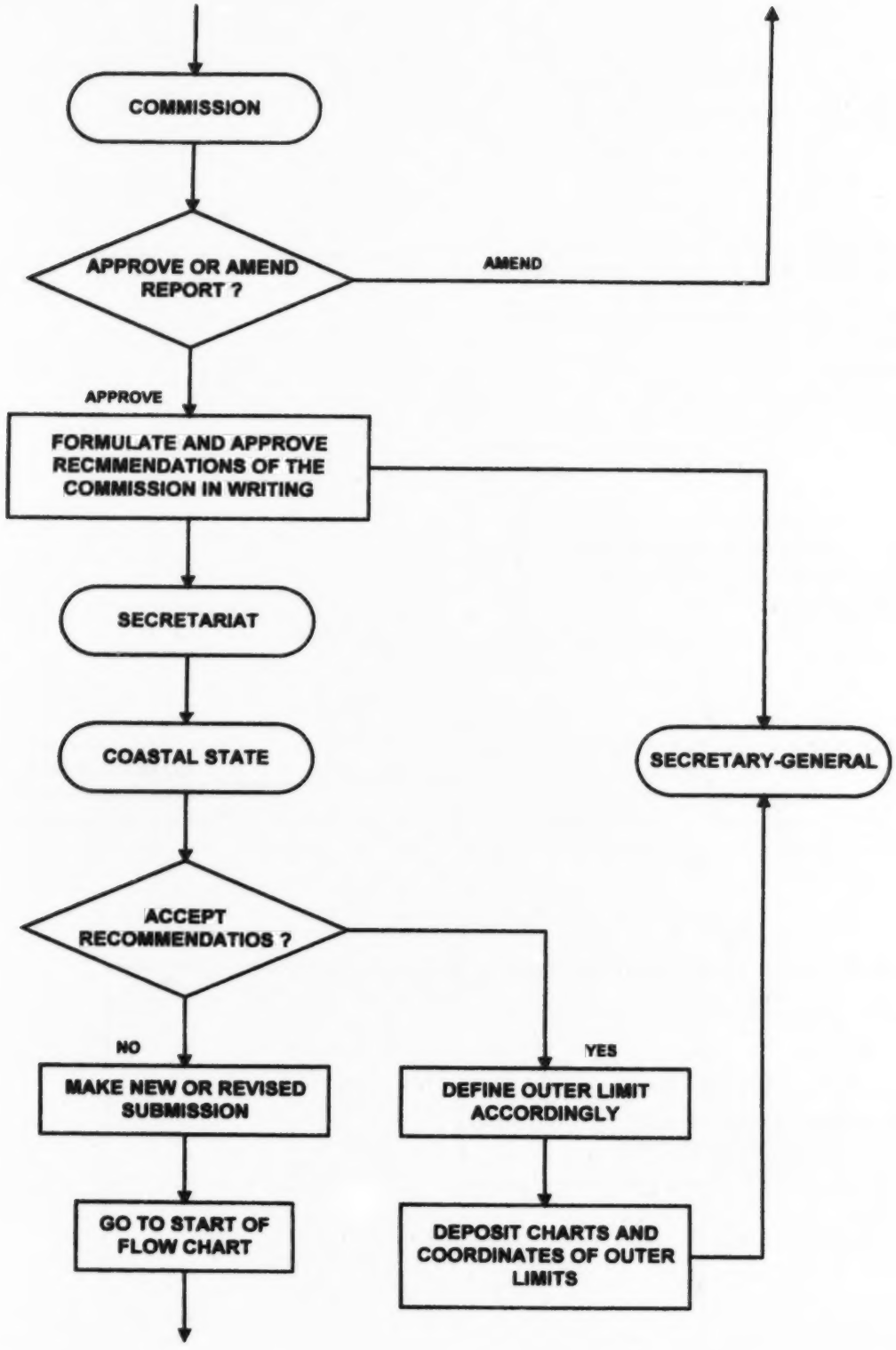
Section VIII

Summary of the modus operandi of the Commission

21. The modus operandi of the Commission may be shown schematically in the following flow chart:


COASTAL STATE
SUBMISSION
1. Executive Summary
2. Main body
3. Supporting data
SECRETARY-GENERAL
PUBLICATION OF PROPOSED LIMITS
(From Executive Summary Part (a))
Not earlier than 3 months after publication
COMMISSION
PRESENTATION OF THE SUBMISSION BY THE COASTAL STATE
COASTAL STATE REPRESENTATIVES
ORGANIZATION OF WORK OF THE COMMISSION
1. Nomination and selection of the subcommission members
2. Arrangements for meetings and consultation


SUBCOMMISSION
DELIBERATION OF THE SUBCOMMISSION ON THE SUBMISSION
1. Format and completeness of the submission
2. Executive summary
3. Clarification required
4. Consideration of any disputes
5. Need fo · any specialists advice
TECHNICAL EVALUATION
1. Confirmation of criteria used
2. Analysis of the data
3. Findings
CONSULTATIONS OF THE SUBCOMMISSION WITH THE COASTAL STATE REPRESENTATIVES
Consultations at UN Headquarters
COASTAL STATE REPRESENTATIVES
FORMULATION OF RECOMMENDATIONS
RECOMMENDATIONS OF SUBCOMMISSION IN WRITTEN REPORT


COMMISSION
APPROVE OR AMEND REPORT ?
AMEND
APPROVE
FORMULATE AND APPROVE RECMMENDATIONS OF THE COMMISSION IN WRITING
SECRETARIAT
COASTAL STATE
SECRETARY-GENERAL
ACCEPT RECOMMENDATIOS ?
NO
YES
MAKE NEW OR REVISED SUBMISSION
DEFINE OUTER LIMIT ACCORDINGLY
GO TO START OF FLOW CHART
DEPOSIT CHARTS AND COORDINATES OF OUTER LIMITS